

UNITED STATES PATENT AND TRADEMARK OFFICE

LAR/EAB

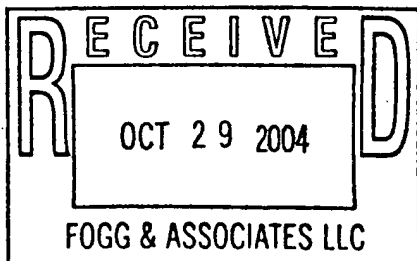
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,246	11/30/2000	Christopher Joseph Berens	100.142US01	4356
34206	7590	10/25/2004	EXAMINER	
FOGG AND ASSOCIATES, LLC P.O. BOX 581339 MINNEAPOLIS, MN 55458-1339			HA, DAC V	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 10/25/2004

Resp. Due 11/25/04 *[Signature]*  
eab

Please find below and/or attached an Office communication concerning this application or proceeding.





UNITED STATES PATENT AND TRADEMARK OFFICE

09/727246

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 8.26.04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).**

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

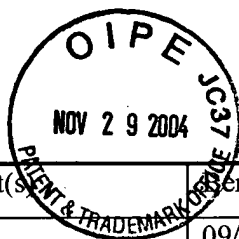
If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

*Lashawn Maß*  
Legal Instruments Examiner (LIE)

*571-272-2997*  
Telephone No.



2634  
RHW

Applicant(s)	Herens et al.	<b>TRANSMITTAL FORM UNDER 37 CFR 1.8 (LARGE ENTITY)</b>
Serial No.	09/727,246	
Confirmation No.	4356	
Filing Date	November 30, 2000	
Group Art Unit	2634	
Examiner Name	Dac V Ha	
Attorney Docket No.	100.142US01	
Title: CLOCK RECOVERY MECHANISM		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Enclosures					
<b>The following documents are enclosed:</b>  <input checked="" type="checkbox"/> Amendment and Response Under 37 CFR 1.111 (16 pgs.) <input checked="" type="checkbox"/> Copy of Notice of Non-Compliant Amendment mailed October 25, 2004 (2 pgs.) <input checked="" type="checkbox"/> Response to Non-Compliant Amendment (1 pg.) <input checked="" type="checkbox"/> A return postcard.					
<b>Please charge any additional fees or credit any overpayments to Deposit Account No. 502432.</b>					
<b>CUSTOMER NO. 34206</b>					
Submitted By					
Name	Laura A. Ryan	Reg. No.	49,055	Telephone	(612) 332-4720
Signature				Date	November 24, 2004
Attorneys for Applicant Fogg and Associates, LLC P.O. Box 581339 Minneapolis, MN 55458-1339 T: 612-332-4720 F: 612-332-4731					
Certificate of Mailing					
I certify that this correspondence, and the documents identified above, are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 24, 2004					
Name	Nicole E. Landree	Signature			



Applicant	Berens et al.	<b><u>RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT</u></b>
Serial No.	09/727,246	
Filing Date	November 30, 2000	
Confirmation No.	4356	
Examiner Name	Dac V Ha	
Group Art Unit	2634	
Attorney Docket No.	100.142US01	
Title: CLOCK RECOVERY MECHANISM		

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313

Applicant has reviewed the Notice of Non-Compliant Amendment mailed on October 25, 2004 (copy enclosed). This notice indicates that the cause of the amendment document to be non-compliant is that the Amendment and Response filed on August 26, 2004 did not list each claim with the proper status identifier. Please find attached the Amendment and Response signed by the attorney of record.

The application should now be in condition for examination. Please direct any inquiries to the undersigned attorney.

Date: 24 November 2004

Respectfully submitted,

Laura A. Ryan  
Reg. No. 49,055

Attorneys for Applicant  
Fogg and Associates, LLC  
P.O. Box 581339  
Minneapolis, MN 55458-1339  
Tel: 612-332-4720  
Fax: 612-332-4731